

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**RECEIVED
CENTRAL FAX CENTER**In re Application of
STROBEL et al.Examiner: **Kamal A Saeed****FEB 09 2005**Application No.: **10/073,160**Art Unit: **1626**Filed: **February 13, 2002**Title: **Acylation of Indanyl Amines and Their Use
as Pharmaceuticals****TELEFAX CERTIFICATE**I hereby certify that this correspondence is being
transmitted via facsimile to the Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22313-
1450, at 703-872-9306, onFebruary 9, 2005
Date of Transmission

Signature

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**REPLY PURSUANT TO 37 C.F.R. § 1.111 AND REQUEST TO CORRECT
INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.48(b)**

In response to the Office Action dated September 9, 2004 ("the Action"),
reconsideration is respectfully requested in view of the amendments and/or remarks as
indicated below:

- Amendments to the Claims are reflected in the listing of the claims that
begins on page 2 of this paper.
- Remarks/Arguments begin on page 26 of this paper.

Filed concurrently herewith is a Petition for Extension of Time pursuant to 37 C.F.R. §
1.136(a) for two (2) months.

This paper is also a Request to Correct Inventorship pursuant to 37 C.F.R. § 1.48(b)
and is accompanied by the appropriate fee of \$130.00 under 37 C.F.R. § 1.17(i).

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REMARKS

Upon entry of the foregoing amendments, claims 1 to 6, 21, 22, and 24 to 27 will be pending in the present patent application. Claims 7 to 20 and 23 have been withdrawn without prejudice to their presentation in a later divisional patent application. Claims 1 to 6 have been amended, without prejudice to the presentation of the deleted subject matter in a later divisional patent application. Claims 24 to 27 have been added. Claims 24 to 27 are directed to the elected subject matter.

Discussion of Election/Restriction Requirement Pursuant to 35 U.S.C. § 121

Although Applicants continue to disagree with the Examiner's position regarding the imposed election/restriction requirement, Applicants have amended the claims for the sole purpose of advancing the prosecution of the present patent application.

Applicants request respectfully that, upon identification of allowable subject matter of the product claims, the non-elected method of use claims commensurate in scope with the allowed product claims be rejoined in accordance with MPEP § 821.04. If such should occur, Applicants request the opportunity to further amend the rejoined method claims prior to their examination.

Request to Correct Inventorship Pursuant to 37 C.F.R. § 1.48(b)

Applicants request that inventor Ramalinga Dharanipragada be deleted from the originally submitted inventive entity pursuant to 37 C.F.R. § 1.48(b). Mr. Dharanipragada's invention is no longer being claimed in the present patent application as a result of the foregoing amendments. Accordingly, his name should be deleted from the inventive entity.

This Request is accompanied by the appropriate fee of \$130.00 under 37 C.F.R. § 1.17(i).

The Commissioner is hereby authorized to charge the fee of \$130.00 under 37 C.F.R. § 1.17(i) and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.


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Conclusion

The foregoing is submitted as a full and complete response to the Action of record and the allowance of all claims is respectfully requested. If there are any issues that can be resolved by a telephone conference or an Examiner's amendment, the Examiner is invited to call the undersigned attorney at (908) 231-3410.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. 18-1982 in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,


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Attorney for Applicants

Dated: February 9, 2005

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Docket No. DEAV2001/0004 US NP

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